IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12832 of 2004

Between:

K.Laxminarayana,
National Cadet Corps of Andhra Pradesh,

r/o 17-2-572/1, Kummaguda, Saidabad,
Hyderabad (AP)

..... PETITIONER

AND

1 The State of A.P., rep., by its Secretary (Education)

Secretariat Buildings, Saifabad, Hyderabad (AP)
2 The Director National Cadet Corps, A.P., Picket, Hyderabad (AP)
3 4 (ANDHRA) Battalion, National Cadet Corps, Secunderabad (AP)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction, orders or a writ, more appropriately one in the nature of a writ of mandamus directing/declaring the action of the respondents herein "declare the inaction of the respondents in reinstating the petitioner herein in his job wherefrom he had been dismissed vide 2nd respondent's letter No.GPHQ/SEC/402/LG.1/ESTT dated 10-01-2003 for the sole reason of his having been convicted and sentenced by the Learned 1st Additional Metropolitan & Sessions Judge, Hyderabad (AP) in SC

No.41/1995 vide his judgment dated 08-11-1996) on his clean acquittal by a judgment of this Hon'ble Court dated 27-08-2004 in Criminal Appeal No.1020/1996, as being unjust, unreasonable, unlawful and therefore ultra vires the constitutional provisions of Articles 14, 16 and 21 of the Constitution of India and pas such other direction, order or orders that may be deemed to be just and proper in the circumstances of the case and also in the interest of justice by this Hon'ble Court.

Counsel for the Petitioner:MR.CAPT.K.M.SAXENA

Counsel for the Respondent No.1: GP FOR EDUCATION

Counsel for the Respondent Nos.2 & 3: Smt R.Raghavamma, Addl S.C. for Central Government

The Court at the admission stage made the following:

ORDER:

The petitioner approached this Court seeking a direction to the respondents for appointing him as an Attender. The petitioner was convicted by a criminal Court and he was removed from service. Later, he was acquitted in an appeal. Therefore, he made an application dated 14.10.2003 for reinstatement as an Attender and the respondent passed an order on 20.07.2004 intimating the petitioner that there is no vacancy of Attender post and if he is willing to join in lascar post, they are ready to provide the same. They also mentioned the pay scale of the lascar post.

In view of the order passed by the respondent dated 20.07.2004 and also in view of the willingness given by the petitioner on 22.07.2004, this writ petition became infructuous.

Hence, the writ petition is dismissed. No costs.

(DR.G.YETHIRAJULU, J)

23.07.2004

Note:

Issue cc by

Three days.

B/o

dr

To

1 The Secretary (Education), State of A.P.,

Secretariat Buildings, Saifabad, Hyderabad (AP)
2 The Director National Cadet Corps, A.P., Picket, Hyderabad (AP)
3 4 (ANDHRA) Battalion, National Cadet Corps, Secunderabad (AP)

4 Two CCs to Government Pleader for Education, High Court of A.P.,

High Court Buildings, Hyderabad. (OUT)

5 Two CD copies.